

BILL NO. G-95-04-18

GENERAL ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA ESTABLISHING AN ADDITIONAL DISCOUNT AGAINST THE STORMWATER FEE FOR CHURCHES AND OTHER NON-PROFIT SOCIAL SERVICE AGENCIES PROVIDING FREE SERVICES TO THE COMMUNITY.

WHEREAS, G-04-95 has set a new rate structure for the stormwater user fee; and

WHEREAS, many churches and other non-profit institutions will now be paying more for stormwater run-off as a result of the new stormwater rates; and

WHEREAS, many local churches and other non-profit institutions currently operate under strained budgets; and

WHEREAS, many local churches and other non-profit institutions provide necessary services, free of charge to the community, which are not addressed by other governmental or private institutions; and

WHEREAS, the imposition of the new stormwater user fee rate structure may inhibit the ability of churches and other non-profit institutions from providing these necessary, free services to the community.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. That General Ordinance G-04-95, Section 53.09 (A)(5), is hereby amended by adding the following language:

"a). In addition, any institution defined under I.C. 6-1.1-10-16, certifying the level of free services provided to the community may/shall be granted an additional discount, based on the level of free services provided to the community, not to exceed a total discount of 50%, against the gross ERUs assigned to that property. Such additional discount (above and beyond the 15% discount as described in this section) shall be calculated as follows:

1).	ADDITIONAL
POINTS	DISCOUNT
Under 10 points.....	0%
10 - 15 points.....	5%
15 - 20 points.....	10%
20 - 25 points.....	15%
25 - 30 points.....	20%
30 - 35 points.....	25%
35 - 40 points.....	30%
40 - 50 points.....	35%

b). Points earned toward an additional discount of the gross ERUs shall be determined as follows:

EACH OF THE FOLLOWING ON-GOING SERVICES, PROVIDED FREE OF CHARGE TO THE COMMUNITY SHALL EARN THE NUMBER OF POINTS SO DESIGNATED, INDIVIDUALLY OR IN ADDITION TO POINTS EARNED, FOR OTHER SERVICES PROVIDED FREE OF CHARGE TO COMMUNITY, NOT TO EXCEED A TOTAL OF A 50% DISCOUNT OFF THE GROSS ERUS ASSIGNED TO THAT PROPERTY.

Provides facilities for neighborhood and other community organizations to meet and conduct business.....5 POINTS

Provides a food bank for the purpose of offering food and other necessary grocery items to indigent persons.....10 POINTS

Provides a clothing bank for the purpose of offering clothing items to indigent persons.10 POINTS

Provides counselling and/or recreational activities for youth and teens.....15 POINTS

Provides utility assistance for the purpose of paying utility bills of indigent persons.20 POINTS

Provides housing assistance for the purpose of assisting indigent persons with housing.20 POINTS

Provides housing facilities and/or emergency shelter for the purpose of transitional housing and/or emergency shelter for indigent purposes.25 POINTS

Provides a soup kitchen or facility where food is prepared and offered for consumption by indigent persons, on or off the premises..... 25 POINTS


SECTION 2. Applicants to receive the additional discount described in Sec. 53.09 (A)(5)(a) and (b) shall certify, in writing, that they have performed on-going free services to the community. Such certification shall be made on the appropriate form, which is attached hereto and marked as "Exhibit A." All applicants must submit certification every two years.

SECTION 3. Severability. If any provision of this ordinance is now or later amended, or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.


COUNCILMEMBER

APPROVED AS TO FORM
AND LEGALITY.


Stanley A. Levine
Legal Advisor to
Fort Wayne Common Council

Read the first time in full and on motion by Jalmaris,
and duly adopted, read the second time by title and referred to the
Committee on City of Fort Wayne (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, 19____, the _____ day of
_____, M., E.S.T.

DATED: 4-25-95 SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____,
and duly adopted, placed on its passage. PASSED LOST
by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
TOTAL VOTES	_____	_____	_____	_____
BRADBURY	_____	_____	_____	_____
EDMONDS	_____	_____	_____	_____
GIAQUINTA	_____	_____	_____	_____
HENRY	_____	_____	_____	_____
LONG	_____	_____	_____	_____
LUNSEY	_____	_____	_____	_____
RAVINE	_____	_____	_____	_____
SCHMIDT	_____	_____	_____	_____
TALARICO	_____	_____	_____	_____

DATED: _____ SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19____

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____,
at the hour of _____ o'clock _____, M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19____, at the hour of _____ o'clock _____, M., E.S.T.

PAUL HELMKE, MAYOR

BILL NO. G-95-04-18

REPORT OF THE COMMITTEE ON
CITY UTILITIES
SAMUEL J. TALARICO - JANET G. BRADBURY - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) OF THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA ESTABLISHING AN ADDITIONAL DISCOUNT
AGAINST THE STORMWATER FEE FOR CHURCHES AND OTHER NON-PROFIT SOCIAL
SERVICE AGENCIES PROVIDING FREE SERVICES TO THE COMMUNITY

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATED:

Sandra E. Kennedy
City Clerk

"EXHIBIT A"

CERTIFICATION FORM ADDITIONAL STORMWATER USER FEE DISCOUNT

THIS ADDITIONAL DISCOUNT FOR STORMWATER USER FEE IS AVAILABLE ONLY TO THOSE INSTITUTIONS WHO ARE DESCRIBED UNDER I.C. 6-1.1-10-16; PROPERTY OWNED, OCCUPIED AND USED FOR EDUCATIONAL, LITERARY, SCIENTIFIC, RELIGIOUS OR CHARITABLE PURPOSES.

I hereby certify that _____
(name of organization)

has provided the following on-going services, free of charge, to the Fort Wayne community:

Provides facilities for neighborhood and other community organizations to meet and conduct business.....5 POINTS _____

Provides a food bank for the purpose of offering food and other necessary grocery items to indigent persons.....10 POINTS _____

Provides a clothing bank for the purpose of offering clothing items to indigent persons.....10 POINTS _____

Provides counselling and/or recreational activities for youth and teens.....15 POINTS _____

Provides utility assistance for the purpose of paying utility bills of indigent persons.....20 POINTS _____

Provides housing assistance for the purpose of assisting indigent persons with housing needs.....20 POINTS _____

Provides housing facilities and/or emergency shelter for the purpose of transitional housing and/or emergency shelter for indigent purposes.....25 POINTS _____

Provides a soup kitchen or facility where food is prepared and offered for consumption by indigent persons, on or off the premises.....25 POINTS _____

TOTAL POINTS EARNED..... _____

(SIGNATURE)

DATE _____

APPLICANT MUST SUBMIT A NEW CERTIFICATION FORM WITHIN 2 YEARS OF DATE SIGNED



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219 427-1208

MEMBER OF THE COMMON COUNCIL

April 24, 1995

Mark E. GiaQuinta, Esq.
Councilman of the 5th District
City of Fort Wayne
444 East Main Street
Fort Wayne, IN 46802

RE: An Ordinance of the Common Council of the City of Fort Wayne, Indiana
Establishing an Additional Discount Against the Stormwater Fee for Churches
and Other Non-Profit Social Service Agencies Providing Free Services to the
Community.

Dear Mark:

This letter will confirm our recent conversation wherein I indicated that I would preliminarily approve as to form and legality the General Ordinance noted above.

However, as I indicated, I have serious reservations about the Ordinance by reason of the fact that it raises equal protection questions.

In the same manner that previously contemplated ordinances which would have treated churches differently than other non-profit organizations and, therefore, raised serious equal protection concerns, I believe the same concern exists regarding this proposed ordinance. That is to say that any organization used for educational, literary, scientific, religious or charitable organizations that does **not** provide some form of free services might have standing to raise equal protection arguments against the proposed ordinance since those organizations would not be afforded the discounts that are postulated for non-profit social services agencies providing free services to the community.

Mark E. GiaQuinta, Esq.

April 24, 1995

Page 2

Whether any such organizations not provided discounts would, in fact, legally challenge your ordinance is, of course, a matter of pure speculation. Nonetheless, to be consistent, I wanted you to be aware of the legal reservations that I have, and I would hope that in light of these reservations, that you would see fit to make a copy of this letter available to all members of the Common Council of the City of Fort Wayne.

Sincerely,

Stanley A. Levine

SAL/lah